

**Maurice W. Heller (MH-7996)**  
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**Attorneys for Plaintiff**

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

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**THE TOWN OF HIGHLANDS,**

**Case No. 07-CV-07263 (LLS)**

**Plaintiff,**

**-against-**

**NOTICE OF MOTION**

**THE TRAVELERS INDEMNITY COMPANY**  
**and THE CHARTER OAK FIRE INSURANCE**  
**COMPANY,**

**Defendants.**

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**PLEASE TAKE NOTICE** that upon the Affidavit of Maurice W. Heller, and the Exhibits thereto, and upon the Statement Pursuant to Local Rule 56.1 and the supporting Memorandum of Law, plaintiff The Town of Highlands (the "Town") will move this Court, before the Honorable Louis L. Stanton, U.S.D.J., at the Courthouse located at 500 Pearl Street, Room 2250, New York, New York 10007, on the \_\_\_\_ day of \_\_\_\_\_, 2008, at \_\_\_\_ a.m./p.m., or as soon thereafter as counsel can be heard, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting the Town partial summary judgment against defendants The Travelers Indemnity Company and The Charter Oak Fire Insurance Company (together, "Travelers") directing Travelers to provide the Town with a complete defense to three underlying tort actions under a series of comprehensive general liability insurance policies issued by Travelers to the Town.

Dated: New York, New York  
March 6, 2008

**HELLER, HOROWITZ & FEIT, P.C.**

By: 

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